Town of Amherst Zoning Board of Appeals - Special Permit



Applicant and Owner: Nina Weyl

101 High Street, Amherst, MA 01002

Date Application filed with the Town Clerk: October 23, 2006

Nature of request: Petitioner seeks a Special Permit under Section 9.22 of the Zoning Bylaw to reconstruct and expand a non-conforming structure and to operate a yoga studio as a home occupation under Section 5.013.

Location of property: 124 Chestnut Street, Map 11D, Parcel 14, R-G Zone.

Legal notice: Published in the Daily Hampshire Gazette on November 1 and 8, 2006, and sent to abutters on November 3, 2006.

Board members: Tom Simpson, Barbara Ford and Russ Frank

Submissions:

The applicant submitted the following documents:

- Management Plan and Addendum to Management Plan;
- Locus Plan, dated October 25, 2006, from the Amherst GIS Viewer;
- Plans prepared by Nina Weyl of Affordable Architecture, dated October 16, 2006, including Site Plans showing Existing and Proposed Conditions and Proposed Carport Details; Existing Conditions and Demolition Plan of the Buildings; Proposed Plan and Elevations for Yoga Studio; Foundation Plan and Framing Plan.

Town staff submitted the following documents:

- Memorandum from the Planning Department, dated November 8, 2006, commenting on the application;
- Special Permit ZBA FY960004, regarding Ms. Weyl's property at 101 High Street.

Members of the public submitted the following documents:

• Email from Deborah Kruger, of 5 Eames Place, dated November 9, 2006, in support of the application.

Site Visit: November 14, 2006

At the site visit the Board was met by Nina Weyl, the applicant. The Board observed:

- The location of the site on a side street, adjacent to the Amherst Middle School;
- The wooded site including two existing parking spaces, existing house, existing non-conforming wood-framed outbuilding behind the house;
- The trees that will remain and the trees that will be removed;
- The area where the proposed parking spaces will be built;
- The proposed location for the new carport;

- The proposed location for the expansion of the outbuilding;
- The wet area at the rear of the site that appears to be a wetland area;
- The proximity of the house on the adjacent property to the west.

Public Hearing: November 16, 2006

Nina Weyl presented the application and the plans and made the following comments:

- The entire existing outbuilding needs to be torn down;
- The footprint for the new outbuilding will lie within the footprint of the existing structure, on the south and east sides, with extensions on the north and west sides;
- The newly expanded portion of the outbuilding will comply with the 10-foot setback requirement;
- There may be a wetland area at the rear of the site.

There was discussion about the details of the new outbuilding, including locations of windows, height of building and setback requirements. There was discussion of parking requirements, location of proposed parking spaces and location of the proposed carport.

The Board expressed concern about the following issues:

- Problems caused by cars backing out onto Chestnut Street;
- Problems that would ensue if cars parked along Chestnut Street;
- The possible existence of a wetland in the backyard;
- The inaccuracy of the site plan;
- The need for a survey of the existing site.

Ms. Weyl described her yoga classes including frequency, hours of operation, noise level, the number of students in the classes and how students will arrive at the yoga studio, i.e. by car, by bicycle, or on foot.

Mr. Simpson summarized the Board's concerns:

- There are potential wetland issues;
- A property line survey of the site is needed;
- The neighbors' houses on both sides should be shown on the revised site plan, but the locations can be derived from the town's GIS system;
- The carport needs to be moved away from the front yard;
- The new outbuilding/studio should observe the side yard setback.

Ms. Weeks added that the Management Plan should give the number of students and the maximum hours of operation.

Mr. Simpson stated for the record that the Board had received an email from Deborah Kruger, an abutter, supporting the applicant's proposal.

Mr. Frank MOVED to continue the evidentiary portion of the public hearing to Thursday, January 11, 2007, at 7:30 p.m. Ms. Ford SECONDED the motion. The Board VOTED unanimously to continue the evidentiary portion of the public hearing.

Continued Public Hearing: January 11, 2007

The applicant submitted a letter dated December 1, 2006, requesting that the Special Permit application be withdrawn without prejudice.

Public Meeting – Zoning Board Decision

Mr. Simpson MOVED to approve the withdrawal of the application without prejudice. Barbara Ford SECONDED the motion. The Board VOTED unanimously to approve the withdrawal without prejudice.

For all the reasons stated above the Board VOTED unanimously to APPROVE the WITHDRAWAL WITHOUT PREJUDICE of the Special Permit application as submitted by Nina Weyl, under Section 9.22 of the Zoning Bylaw to reconstruct and expand a non-conforming structure and to operate a yoga studio as a home occupation under Section 5.013.

THOMAS SIMPSON	BARBARA FORD	RUSSELL FRANK
FILED THISday of _	, 2007, at	i
in the office of the Amherst Town	n Clerk	
TWENTY-DAY APPEAL period	d expires,	2007.
NOTICE OF DECISION mailed	thisday of	
to the attached list of addresses by	y	, for the Board.